

Notice of Allowability

Application No.

10/046,867

Examiner

Gregory E. Webb

Applicant(s)

GERSHUN ET AL.

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1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 101404.
2. ☒ The allowed claim(s) is/are 1-37.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

1. Claims 1-37 are allowed. The applicant's arguments and amendments submitted 10/14/04 have been considered and found persuasive.
2. The following is an examiner's statement of reasons for allowance:
3. The applicant has amended claim 1 to further narrow the allowed percentage of alcohol. The applicant has further narrowed the claim with the specific requirement that the amount of alcohol be no more than 0.8% of the composition.
4. As the prior art fails to teach this narrow range and further fails to teach the applicant's specific upper limit, such claims have been found to be allowable.
5. Cable ('897) teaches various examples containing alcohol. In these examples, Cable teaches quantities of alcohol as high as 4%. As such high concentrations are excluded by the applicant's instant claims, Cable fails to anticipate the applicant's specific upper limit requirement of the alcohol.
6. Similarly, Choy ('981) teaches examples containing alcohol in amounts as high as 5.9%. Aleksejczyk teaches alcohol contents as high as 5%. Masters ('422) teaches alcohol in amounts as high as 6.4% and Church teaches alcohol content in amounts up to 11.75%.
7. Thus as the prior art teaches quantities significantly higher than the upper limit required by the instant claims, the prior art fails to anticipate or render obvious instant claim 1.
8. Concerning claim 37, the examiner agrees with the applicant's argument. Aleksejczyk is concerned with the wetting of their compositions and not the actual penetration of the cleaning solution into soils. The applicant's term "calculating" is meant in this claim to be more than a visual inspection. The applicant's step (c) in this claim is well known. Various gravimetric

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techniques have been shown in the past. The applicant's step (b) involves a different process. On page 18 the applicant "calculates" the rate of penetration using a tensiometer in a novel manner. Specifically, the inventive step uses real-time displacement and mass measurements for a multi-step process. The examiner was unable to find this means of calculating a rate of penetration.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'G. Webb', with a stylized, cursive script.

Gregory E. Webb
Primary Examiner
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gw